



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 22, 1995

Mr. Douglas A. Poneck
Escamilla & Poneck
1200 South Texas Building
603 Navarro
San Antonio, Texas 78205-1826

OR95-820

Dear Mr. Poneck:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 34106.

The South San Antonio Independent School District (the "district") received a request for a variety of documents related to a personnel matter. Our understanding is that the district has supplied most of the requested information. However, you assert that some of the requested information is excepted from disclosure. The requestor has asked for notes, memoranda, and other documentation taken during job interviews with an individual who applied for various administrative positions with the district, including the position of vice-principal. You contend this information is excepted from disclosure under section 552.111. The requestor also sought resumes, applications, letters of interest, and certification records of individuals hired by the district for administrative positions, since 1989. You argue that these records are excepted from disclosure pursuant to sections 552.101 and 552.102. You have submitted representative samples of the records at issue to this office for review.¹

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

Section 552.111 excepts interagency and intraagency communications from disclosure only to the extent that they contain advice, opinion, or recommendation for use in the governmental body's policymaking process. Open Records Decision No. 615 (1993) at 5. A governmental body's policymaking functions do not encompass routine personnel matters such as the hiring of a vice-principal. *Id.* Thus, the notes, memoranda, and other documentation taken during the job interviews must be released.

The test to determine whether information is private and excepted from disclosure under either section 552.101 or section 552.102 is whether the information is (1) highly intimate or embarrassing to a reasonable person and (2) of no legitimate public concern. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 930 (1977); *Hubert v. Harte-Hanks Texas Newspapers Inc.*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.). Generally, the public has a legitimate interest in the job qualifications and performance of public employees. See Open Records Decision No. 470 (1987) at 5. In the past, this office has concluded that common-law privacy does not protect information about the educational training of an applicant or employee; names and addresses of former employers; dates of employment, kind of work, salary, and reasons for leaving; names, occupations, addresses and telephone numbers of character references; and information about job performance. See generally Open Records Decision No. 455 (1987) at 8. The information at issue is not protected from disclosure under common-law privacy.

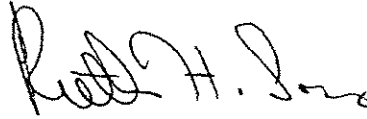
However, the documents at issue contain home addresses and home telephone numbers of public employees. Sections 552.117 and 552.024 of the Government Code protect from public access the current and former home addresses and home telephone numbers of governmental employees who have chosen to keep this information private. If, as of the time of the open records request, these employees had opted not to disclose their home addresses and home telephone numbers in accordance with section 552.024, that information may not be released. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4.

The information at issue also includes what appear to be transcripts or portions of transcripts. Section 552.102(b) protects from required public disclosure certain information contained in "a transcript from an institution of higher education maintained in the personnel file of a professional public school employee." You must redact all information other than employees' names, courses taken, and degrees obtained, prior to releasing transcripts. Open Records Decision No. 526 (1989).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records.

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy".

Ruth H. Soucy
Assistant Attorney General
Open Government Section

RHS/rho

Ref.: ID# 34106

Enclosures: Submitted documents

cc: Ms. Katherine L. Duff
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(w/o enclosures)